

EXHIBIT 8

Filed Under Seal

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 -----x
4 SONOS, INC.,
5
6 Plaintiff,
7
8 vs. Case No. 3:21-CV-07559-WHA
9
10 GOOGLE LLC,
11
12 Defendant.
13 -----x

14 -AND-
15 -----
16 UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
18 -----x
19 GOOGLE LLC,
20
21 Plaintiff,
22
23 vs. Case No. 3:20-CV-06754-WHA
24
25 SONOS, INC.,
26
27 Defendant.
28 -----x

29 **HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY**
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31 **SOURCE CODE**
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33 REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF
34
35 KEVIN ALMERO TH
36
37 Monday, January 30, 2023
38
39 Reported By: Lynne Ledanois, CSR 6811
40
41 Job No. 5686030

1 comparability that I was pointing to as examples. 12:27PM

2 BY MR. KAPLAN:

3 Q So if assuming it's correct that there
4 have been billions of enabled and created applets
5 and that those have nothing to do with speaker 12:27PM
6 grouping, in your view that wouldn't change your
7 opinion that the app itself is technically
8 comparable; is that right?

9 MR. SHEA: Objection to form.

10 THE WITNESS: It would not change my 12:28PM
11 conclusion with respect to the app being technically
12 comparable, especially in the paid app version where
13 you have a compound action that's required.

14 BY MR. KAPLAN:

15 Q You understand that IFTTT has been used to 12:28PM
16 create applets to text your lost Android phone and
17 turn the ringer volume up to 100 percent?

18 THE REPORTER: Sorry?

19 THE WITNESS: I don't have that specific
20 applet in mind, but it's probably possible. 12:28PM

21 Lots of things are possible within a
22 framework to allow if this, then that.

23 BY MR. KAPLAN:

24 Q As described, that applet doesn't cover
25 comparable material to the inventions, does it? 12:28PM

1 MR. SHEA: Objection to form. 12:28PM

2 THE WITNESS: So, again, you're trying to
3 bucket out particular apps and isolate only on those
4 apps and suggest that there's some hypothetical app
5 that only provided that functionality and then 12:29PM
6 consider the question of whether or not that
7 functionality or that particular use of that
8 functionality in isolation is or is not technically
9 comparable.

10 That's not really the appropriate inverse 12:29PM
11 of my analysis, so it's hard to answer the question
12 of because an app has that functionality -- sorry.

13 Because the IFTTT app has that
14 functionality does not mean that it is no longer
15 technically comparable for the reasons that I have 12:29PM
16 identified.

17 BY MR. KAPLAN:

18 Q My question is: Does the applet as I
19 described it which texts your lost Android phone to
20 turn the ringer volume up to 100 percent, is that 12:29PM
21 applet technically comparable to the claimed
22 invention?

23 MR. SHEA: Objection to form.

24 THE WITNESS: I haven't offered an opinion
25 one way or another whether it's technically 12:30PM

1 comparable. 12:30PM

2 Whether it is or isn't is irrelevant to
3 the examples that I have identified and the basis
4 for not only examples, but why the underlying
5 functionality together is technically comparable. 12:30PM

6 So whether it is in the context of other
7 apps or functionality, I haven't offered an opinion.
8 Whether it is or isn't technically comparable
9 doesn't change the opinions that are in my report.

10 BY MR. KAPLAN: 12:30PM

11 Q These other uses of the IFTTT app to
12 create different applets, the ones that you haven't
13 studied you believe are irrelevant to your opinions?

14 MR. SHEA: Objection to form.

15 THE WITNESS: No, I think as I just 12:30PM
16 testified, whether or not they are technically
17 comparable or not doesn't change my opinion with
18 respect to the fact that the app in the professional
19 version is technically comparable for the reasons
20 I've set forth in the report. 12:31PM

21 It's not even necessarily that they are
22 irrelevant, it's just the fact that they exist, it
23 doesn't change my opinion one way or another with
24 respect to the technical comparability of the app.

25

1 BY MR. KAPLAN: 12:31PM

2 Q So there could be billions of applets out
3 there that are unrelated to speaker grouping and
4 that would not change your opinions about the
5 technical comparability of the IFTTT app? 12:31PM

6 A The fact that IFTTT has the flexibility that
7 it does and that you can create applets that may or
8 may not be related technically or not does not change
9 my opinion that IFTTT in the version that I identified
10 has uses that are technically comparable. 12:32PM

11 Q In your view, could a programming
12 language, for example, let's say Microsoft Developer
13 Studio, or an app that allows you to program
14 software, could that be technically comparable to
15 the inventions? 12:32PM

16 MR. SHEA: Objection to form.

17 THE WITNESS: I'm not sure what that would
18 entail. Whether it's hypothetically possible would
19 depend. I would have to know more, see more, do the
20 analysis. It depends. 12:32PM

21 BY MR. KAPLAN:

22 Q For example, you're an engineer and a
23 software engineer could use Microsoft Developer
24 Studio to create essentially the same functionality
25 that you identified with the Sonos applet in your 12:33PM